

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2152 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
06/12/2004 in WP NO : 22451 OF 2004 on the file of the High Court.)

Between:

Prem Kumar Bisoi, s/o Bollabo Bisoi,
r/o Hostel attached to Siddartha Medical College, Vijayawada, Krishna
District.

..... APPELLANT

AND

- 1 The District Collector, Srikakulam, Srikakulam District.
- 2 The Revenue Divisional Officer, Tekkali, Srikakulam,
Srikakulam District.
- 3 S.Venkat Rao, B.Com.,
The Revenue Divisional Officer, Tekkali, Srikakulam,
Srikakulam District.
- 4 The Registrar, N.T.R.University of Health Sciences,
Vijayawada, Krishna District.
- 5 The Principal, Siddartha Medical College,

Vijayawada, Krishna District.

(R.3, R.5 are not necessary parties)

.....RESPONDENTS

Counsel for the Appellant :MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the respondent Nos. 4: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1. The challenge by the petitioner is to the order passed on 01.11.2004 by the Revenue Divisional Officer, Tekkali, Srikakulam District, dismissing the appellant's application for issuance of caste certificate. The sole grievance of the appellant is that sufficient time was not allowed to produce relevant record and there is violation of principles of natural justice. Writ petition questioning the said order was disposed of, against which the present appeal is filed.

2. Appellant has not correctly arrayed the parties. 3rd respondent is rendered to be deleted as person after being impleaded in official capacity as Revenue Divisional Officer. In any case we have heard counsel for the parties. The urgent notice dated 26.10.2004 calling upon the petitioner to appear and produce documentary evidence in support of the caste claim on or before 29.10.2004 was not served upon the appellant but was served on his father.

Hardly two days time was given for production of documentary evidence to the petitioner and on 29.10.2004 petitioner asked 15 days time to file relevant documents. Instead of granting time, the Revenue Divisional Officer rejected the claim of the petitioner by the order impugned in the writ petition.

3 . We questioned the learned counsel for the appellant as to whether the record which was called for by the Revenue Divisional Officer is or is not available so that interest of justice would be met in case Revenue Divisional Officer is directed to hear the matter afresh. Accordingly learned counsel for the appellant states that appellant is relying upon the caste certificate issued in favour of his father and brother and he will produce the relevant record before the Revenue Divisional Officer and will not claim any further adjournment in case one date is fixed to enable the appellant to appear before the Revenue Divisional Officer.

4 . Consequently we allow the appeal and set aside the impugned order including the order passed on 01.11.2004 with direction to the Revenue Divisional Officer, 2nd respondent, to hear and decide the request of the appellant for grant of caste certificate, for which purpose we direct the appellant to put appearance before 2nd respondent on 22.01.2005 in his office at 11.00 a.m., along with all relevant record and will submit before him copies thereof and will not claim any further adjournments. 2nd respondent thereafter will proceed to pass appropriate orders in accordance with law after taking into consideration the record produced by the appellant. No costs.

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 29.12.2004.

VRK.

Note:

Furnish cc in two days.

(BO)

To

- 1 The District Collector, Srikakulam, Srikakulam District.
- 2 The Revenue Divisional Officer, Tekkali, Srikakulam, Srikakulam District.
- 3 The Registrar, N.T.R.University of Health Sciences, Vijayawada, Krishna District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE M. NARAYANA REDDY.**

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W.A.NO. 2152 OF 2004.

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**(Judgment of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 29.12.2004.